

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINDA LOPEZ,

Docket No.: 07 CV 03912
(RJH)

Plaintiff,

-against-

SCHEDULING ORDER *P*

WAL-MART STORES, INC.,

Defendant.
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1. Description of the Case:

Plaintiff sues to recover for injuries allegedly suffered on August 4, 2006 at approximately 3:30 p.m. when she allegedly slipped on water in the Action Alley of Wal-Mart store #3207 at 1601 Rinehart Road, Sanford, Florida.

a. Attorneys of Record:

Gary Slobin
ALPERT & KAUFMAN, LLP
Attorneys for Plaintiff
233 Broadway
New York, New York 10279
(212) 349-2000

Patricia A. O'Connor
BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Wal-Mart Stores East, LP
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778

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b. Basis for Federal Jurisdiction:

Diversity

c. Claims Asserted in the Complaint:

That on August 4, 2006, plaintiff was caused to slip and fall by reason of the negligence of the defendant.

d. Legal and Factual Issues in the Case:

The source of the water and the appearance of the water prior to plaintiff's fall. Whether defendant was on notice, actual or constructive, of the presence of the water prior to plaintiff's fall? Should the defendant have been on notice of the condition prior to the accident? If defendant was on notice of the presence of water prior to plaintiff's fall, did defendant have a reasonable time to remedy the alleged condition after having received notice?

e. Relief Sought:

Plaintiff seeks \$2,000,000.00 in damages.

2. Case Management Plan:

a. Pending Motions: None.

b. Cutoff date for joinder of parties: January 25, 2008

c. Cutoff date for amendment to pleadings: January 25, 2008

d. Schedule

i. Rule 26(a)(1) disclosure by October 19, 2007

ii. Fact discovery completion by January 11, 2008

iii. Rule 26(a)(2) disclosure by February 11, 2008

iv. Expert discovery completion date by: March 10, 2008

Expert reports to be provided by: March 24, 2008

e. Dispositive motions to be filed by March 24, 2008

f. Joint pretrial order to be filed by April 24, 2008

g. Trial schedule

i. A jury trial is requested.

ii. Probable length of trial: Three days.

iii. Case will be ready for trial by May, 2008

3. The parties ~~consent~~/do not consent to proceed before a Magistrate Judge.

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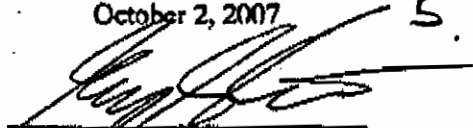
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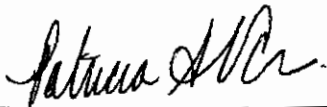
4. No settlement discussions have taken place. The parties request a settlement conference.

Dated: Northport, New York

October 2, 2007


Gary Stobin (GS 6334)
ALPERT & KAUFMAN, LLP
Attorneys for Plaintiff
233 Broadway
New York, New York 10279
(212) 349-2000

5. A status conference shall be
held on March 7, 2008
at 10:30 a.m.


Patricia A. O'Connor (PO5645)
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File No.: WM 06-405 PO

SO ORDERED: 

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10/7/07